

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3

4 IN RE: SOCIAL MEDIA ADOLESCENT
5 ADDICTION/PERSONAL INJURY
6 PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

7 This Document Relates to:

8 *DELANEY BROWN ON BEHALF OF HER*
9 *MINOR CHILD ROWAN PAUL HARDY*

**MASTER SHORT-FORM COMPLAINT
AND DEMAND FOR JURY TRIAL**

12 The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial*
13 against the Defendants named below by and through the undersigned counsel. Plaintiff(s)
14 incorporate(s) by reference the allegations, claims, and relief sought in *Plaintiffs' Master Complaint*
15 *(Personal Injury)* ("Master Complaint") as it relates to the named Defendants (checked-off below),
16 filed in *In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*,
17 MDL No. 3047 in the United States District Court for the Northern District of California.
18 Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case Management Order No. 7.

19 As necessary herein, Plaintiff(s) may include: (a) additional Causes of Action and
20 supporting allegations against Defendants, as set forth in paragraph 11 in additional sheets attached
21 hereto; and/or (b) additional claims and allegations against other Defendants not listed in the *Master*
22 *Complaint*, as set forth in paragraph 7 (see n. 18) and may attach additional sheets hereto.

23 Plaintiff(s) indicate by checking boxes below the Parties and Causes of Actions specific to
24 Plaintiff(s)' case.

25 Plaintiff(s), by and through their undersigned counsel, allege as follows:
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1 **I. DESIGNATED FORUM**

- 2 1. *For Direct Filed Cases:* Identify the Federal District Court in which the Plaintiff(s)
3 would have filed in the absence of direct filing:

4 Eastern District of Louisiana

- 5 2. *For Transferred Cases:* Identify the Federal District Court in which the Plaintiff(s)
6 originally filed and the date of filing:

7 Not Applicable

8 **II. IDENTIFICATION OF PARTIES**

9 **A. PLAINTIFF**

- 10 3. *Plaintiff:* Name of the individual injured due to use of Defendant(s)' social media
11 products:

12 DELANEY BROWN ON BEHALF OF HER MINOR CHILD ROWAN PAUL HARDY

- 13 4. Age at time of filing: Four

- 14 5. City(ies) and state(s) where Plaintiff primarily used Defendants' platforms:

15 Luling, Louisiana

- 16 6. Last Name and State of Residence of *Guardian Ad Litem*, if applicable:

17 Not Applicable

- 18 7. Name of the individual(s) that allege damages for loss of society or consortium
19 (*Consortium Plaintiff(s)*) and their relationship to Plaintiff, if applicable:

20 Rowan Paul Hardy, Child of Plaintiff.

- 21 8. *Survival and/or Wrongful Death Claims, if applicable:*

- 22 (a) Name of decedent and state of residence at time of death:

23 Raylon Hardy - Louisiana

- 24 (b) Date of decedent's death:

25 12/22/2019.

- 26 (c) Name and capacity (*i.e.* executor, administrator, etc.) of Plaintiff(s)

27 bringing claim for decedent's wrongful death:

28 Rowan Paul Hardy; Child of Deceased.

1 9. At the time of the filing of this *Short-Form Complaint*, Plaintiff(s) are residents and
2 citizens of [*Indicate State*]:
3 Louisiana

4 **B. DEFENDANT(S)**

5 10. Plaintiff(s) name(s) the following Defendants in this action [*Check all that apply*]:

6 **META ENTITIES**

- 7 ☒ META PLATFORMS, INC.,
8 *formerly known as Facebook, Inc.*
9 ☒ INSTAGRAM, LLC
10 ☒ FACEBOOK PAYMENTS, INC.
11 ☒ SICULUS, INC.
12 ☒ FACEBOOK OPERATIONS, LLC

TIKTOK ENTITIES

- ☐ BYTEDANCE, LTD
☐ BYTEDANCE, INC
☐ TIKTOK, LTD.
☐ TIKTOK, LLC.
☐ TIKTOK, INC.

13 **SNAP ENTITY**

- 14 ☒ SNAP INC.

GOOGLE ENTITIES

- ☒ GOOGLE LLC
☒ YOUTUBE, LLC

16 **OTHER DEFENDANTS**

17 For each “Other Defendant” Plaintiff(s) contend(s) are additional parties and are liable
18 or responsible for Plaintiff(s) damages alleged herein, Plaintiffs must identify by name
19 each Defendant and its citizenship, and Plaintiff(s) must plead the specific facts
20 supporting any claim against each “Other Defendant” in a manner complying with the
21 requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may
attach additional pages to this *Short-Form Complaint*.

	NAME	CITIZENSHIP
22		
23		
24		
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28		

1 **C. PRODUCT USE**

2 11. Plaintiff used the following Social Media Products that substantially contributed to their
3 injury/ies (check all that apply, and identify approximate dates of use, to the best of
4 Plaintiff's recollection):

5 ☒ FACEBOOK

6 Approximate dates of use: 2010 to 2019

7 ☒ INSTAGRAM

8 Approximate dates of use: 2010 to 2019

9 ☒ SNAPCHAT

10 Approximate dates of use: 2017 to 2019

11 ☐ TIKTOK

12 Approximate dates of use: _____ to _____

13 ☒ YOUTUBE

14 Approximate dates of use: 2013 to 2019

15 ☒ OTHER:

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Social Media Product(s) Used	Approximate Dates of Use
Twitter	2015-2019

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1 **D. PERSONAL INJURY¹**

2 12. Plaintiff(s) experienced the following personal injury/ies alleged to have been
3 caused by Defendant(s)' Social Media Products [*Check all that apply*]:

4 ☒ **ADDICTION/COMPULSIVE USE**

5 ☐ **EATING DISORDER**

6 ☐ Anorexia

7 ☐ Bulimia

8 ☐ Binge Eating

9 ☐ Other: _____

10 ☒ **DEPRESSION**

11 ☒ **ANXIETY**

12 ☒ **SELF-HARM**

13 ☒ Suicidality

14 ☐ Attempted Suicide

15 ☒ Death by Suicide

16 ☐ Other Self-Harm: _____

17 ☐ **CHILD SEX ABUSE**

18 ☐ **CSAM VIOLATIONS**

19 ☐ **OTHER PHYSICAL INJURIES (SPECIFY):**

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

26 ¹ Plaintiff(s) must check-off all injuries allegedly caused by Plaintiff's use of Defendant(s)' Social

27 Media Products. Plaintiff is not required to plead here emotional or psychological injuries inherent

28 in injuries otherwise identified, or all manifestations of the injury alleged which will be inquired

into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes that

emotional and psychological injuries are asserted by Plaintiff in connection with any injury

otherwise identified.

V. CAUSES OF ACTION ASSERTED

13. The following Causes of Action asserted in the *Master Complaint*, and the allegations with regard thereto, are adopted in this *Short Form Complaint* by reference (*check all that are adopted*):

Asserted Against ²	Count Number	Cause of Action (CoA)
<input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____ 3	1	STRICT LIABILITY - DESIGN DEFECT
<input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	2	STRICT LIABILITY - FAILURE TO WARN
<input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	3	NEGLIGENCE - DESIGN
<input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	4	NEGLIGENCE – FAILURE TO WARN
<input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ## _____	5	NEGLIGENCE

² For purposes of this paragraph, “entity” means those defendants identified in Paragraph 7 (*e.g.*, “TikTok entities” means all TikTok defendants against which Plaintiff(s) is asserting claims).

³ Reference selected Other Defendants by the corresponding row number in the “Other Defendant(s)” chart above, in Question 7.

1	<input checked="" type="checkbox"/> Meta entities	6	NEGLIGENT UNDERTAKING
2	<input checked="" type="checkbox"/> Snap entity		
3	<input type="checkbox"/> TikTok entities		
4	<input checked="" type="checkbox"/> Google entities		
5	<input type="checkbox"/> Other Defendant(s)		
6	##		
7	<input checked="" type="checkbox"/> Meta entities	7	VIOLETION OF UNFAIR TRADE PRACTICES/CONSUMER PROTECTION LAWS
8	<input checked="" type="checkbox"/> Snap entity		
9	<input type="checkbox"/> TikTok entities		
10	<input checked="" type="checkbox"/> Google entities		
11	<input type="checkbox"/> Other Defendant(s)		
12	##		
13	<input checked="" type="checkbox"/> Meta entities	8	FRAUDULENT CONCEALMENT AND MISREPRESENTATION (Against Meta only)
14	<input type="checkbox"/> Other Defendant(s)		
15	##		
16	<input checked="" type="checkbox"/> Meta entities	9	NEGLIGENT CONCEALMENT AND MISREPRESENTATION (Against Meta only)
17	<input type="checkbox"/> Other Defendant(s)		
18	##		
19	<input checked="" type="checkbox"/> Meta entities	10	NEGLIGENCE <i>PER SE</i>
20	<input checked="" type="checkbox"/> Snap entity		
21	<input type="checkbox"/> TikTok entities		
22	<input checked="" type="checkbox"/> Google entities		
23	<input type="checkbox"/> Other Defendant(s)		
24	##		
25	<input type="checkbox"/> Meta entities	11	VIOLETIONS OF 18 U.S.C. §§ 1595 and 1591 (Civil Remedy for Sex trafficking of children or by force, fraud, or coercion)
26	<input type="checkbox"/> Snap entity		
27	<input type="checkbox"/> TikTok entities		
28	<input type="checkbox"/> Google entities		
29	<input type="checkbox"/> Other Defendant(s)		
30	##		
31	<input type="checkbox"/> Meta entities	12	VIOLETIONS OF 18 U.S.C. §§ 2255 and 2252 (Civil remedy Certain activities relating to material involving the sexual exploitation of minors)
32	<input type="checkbox"/> Snap entity		
33	<input type="checkbox"/> TikTok entities		
34	<input type="checkbox"/> Google entities		
35	<input type="checkbox"/> Other Defendant(s)		
36	##		
37	<input type="checkbox"/> Meta entities	13	VIOLETIONS OF 18 U.S.C. §§ 2252A(f), 1466A (Civil remedy for Certain activities relating to material constituting or containing child pornography)
38	<input type="checkbox"/> Snap entity		
39	<input type="checkbox"/> TikTok entities		
40	<input type="checkbox"/> Google entities		
41	<input type="checkbox"/> Other Defendant(s)		
42	##		

<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ##	14	VIOLETIONS OF 18 U.S.C. §§ 2255 and 2252A(5)(b) (Civil remedy for Certain activities relating to material constituting or containing child pornography)
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ##	15	VIOLETIONS OF 18 U.S.C. §§ 2258B and 2258A (Liability related to Reporting requirements of providers regarding online child sexual exploitation)
<input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ##	16	WRONGFUL DEATH
<input type="checkbox"/> Meta entities <input type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ##	17	SURVIVAL ACTION
<input checked="" type="checkbox"/> Meta entities <input checked="" type="checkbox"/> Snap entity <input type="checkbox"/> TikTok entities <input checked="" type="checkbox"/> Google entities <input type="checkbox"/> Other Defendant(s) ##	18	LOSS OF CONSORTIUM AND SOCIETY

VI. ADDITIONAL CAUSES OF ACTION

NOTE

If Plaintiff(s) wants to allege additional Cause(s) of Action other than those selected in paragraph 10, which are the Causes(s) of Action set forth in the *Master Complaint*, the facts supporting those additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure. In doing so, Plaintiff(s) may attach additional pages to this *Short-Form Complaint*.

1 14. Plaintiff(s) assert(s) the following additional Causes of Action and supporting
2 allegations against the following Defendants:

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9 **WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants and all such
10 further relief that this Court deems equitable and just as set forth in the *Master Complaint*, and any
11 additional relief to which Plaintiff(s) may be entitled.

12 **JURY DEMAND**

13 Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

14 *****

15 By signature below, Plaintiff's counsel hereby confirms their submission to the authority
16 and jurisdiction of the United States District Court for the Northern District of California for
17 oversight of counsel's duties under Federal Rule of Civil Procedure 11, including enforcement as
18 necessary through sanctions and/or revocation of *pro hac vice* status.

19 /s/ Ron Austin

20 Name Ron A. Austin

21 Firm RON AUSTIN LAW

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24 Fax

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26 *Attorneys for Plaintiff(s)*